

DOCKET NO.: MSFT-2796/306048.01
Application No.: 10/697,604
Office Action Dated: November 27, 2007

PATENT

REMARKS

Claims 1-22 are currently pending in the application. The Examiner has rejected claims 1-10 and 18-22 under § 112 as allegedly being indefinite. The Examiner has rejected claims 1-22 under § 101 as allegedly being directed to non-statutory subject matter. The Examiner has rejected claims 1-22 under § 102 as allegedly being anticipated by USP No. 6,157,961 to Kessler et al. (“Kessler”).

The Applicants respectfully traverse all rejections and request further examination in light of the amendments and remarks provided herein.

EXAMINER INTERVIEW

The Applicants’ undersigned representative wish to thank the Examiner for the courtesies extended during the telephonic interview held on January 17, 2008, in which the rejections issued in the present action were discussed.

DRAWINGS

The Applicants respectfully request that the Examiner accept the Drawings.

REJECTIONS UNDER § 112

The Examiner has rejected claims 1-10 and 18-22 under § 112, second paragraph, as allegedly being indefinite.

Independent Claim 1

The Examiner has rejected claim 1 under § 112, stating that “it is unclear whether a system or process is claimed”. (Emphasis in original). Without disclaimer or prejudice, the Applicants have amended claim 1 as recommended by the Examiner. The applicants respectfully assert that claim 1 meets the requirements of §112 and request that the Examiner reconsider and withdraw the rejection of claim 1 under § 112.

Independent Claim 18

The Examiner has rejected claim 18 under § 112, stating that “it is unclear whether a *product or process* is claimed”. (Emphasis in original). The Applicants have amended claim 18, without disclaimer or prejudice, as recommended by the Examiner, to be directed to a computer-readable *storage* medium, which is at least an article of manufacture. The Applicants respectfully request that the Examiner reconsider and withdraw the rejection under § 112 to claim 18.

Dependent claims 2-10 and 19-22

The Examiner rejected dependent claims 2-10 and 19-22 under § 112 as a result of their dependence upon allegedly indefinite independent base claims. Because claims 1 and 18 meet the requirements under § 112, the Applicants assert that claims 2-10 and 19-22, which depend upon claims 1 and 18 respectively, are definite. The Applicants respectfully request that the Examiner reconsider and withdraw the rejections of claims 2-10 and 19-22 under § 112.

REJECTIONS UNDER § 101

The Examiner has rejected claims 1-22 under § 101 as allegedly being directed to non-statutory subject matter.

Claim 1

The Examiner has alleged that the claim merely recites programming steps. The Applicants respectfully assert that claim 1, as amended, without disclaimer or prejudice, in a manner recommended by the Examiner, meets the requirements of § 101. The Applicants respectfully assert that claim 1 is statutory and request that the Examiner reconsider and withdraw the rejection of claim 1 under § 101.

Claim 11

The Examiner has alleged that claim 11 is non-statutory. The Applicants respectfully assert that claim 11, as amended, without disclaimer or prejudice, in a manner recommended by the Examiner, meets the requirements of § 101. The Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 11 under § 101.

Claims 2-10 and 11-17

The Examiner rejected dependent claims 2-10 and 11-17 under § 101 as a result of their dependence upon allegedly non-statutory independent base claims. Because claims 1 and 11 meet the requirements under § 101, the Applicants assert that claims 2-10 and 11-17, which depend upon claims 1 and 11 respectively, are statutory. The Applicants respectfully request that the Examiner reconsider and withdraw the rejections of claims 2-10 and 11-17 under § 101.

Claim 18

The Examiner has alleged claims 18-22 are non-statutory, stating that the claims are “directed to a signal directly or indirectly by claiming a medium and the Specification recites...a ‘wave’ (such as a carrier wave)”. The Applicants have amended claim 18, without disclaimer or prejudice, to claim “a computer-readable storage medium [having instructions] stored thereon”. The Applicants respectfully assert that claim 18 is statutory and request that the Examiner reconsider and withdraw the rejection to claim 18 under § 101.

Dependent claims 19-22

The Examiner rejected dependent claims 19-22 under § 101 as a result of their dependence upon an allegedly non-statutory independent base claim. Because claim 18 meets the requirements under § 101, the Applicants assert that claims 19-22, which depend upon claim 18, are statutory. The Applicants respectfully request that the Examiner reconsider and withdraw the rejections of claims 19-22 under § 101.

REJECTIONS UNDER § 102

Claim 11

The Examiner has rejected claim 11 as allegedly being anticipated by Kessler. The Applicants respectfully disagree with the Examiner's interpretation and application of Kessler to claim 11. As requested by the Examiner, the Applicants first address the portions of the reference cited relied upon by the Examiner.

"allocating space within the second process"; "writing a stub function into the allocated space"

The Examiner has cited col.5 lines 33-54 of Kessler for the proposition that Kessler allegedly teaches "allocating space within the second process", as recited in claim 11. The Applicants respectfully disagree with the Examiner's application of the cited portion. The section cited is a discussion of "a new type of object, termed a spring object...." (Kessler: col. 5, lines 13-16). "A SPRING object is an abstraction that contains state and provides a set of methods to manipulate that state." *Id.*

As best understood, this section of Kessler teaches an object that already exists in memory, i.e. is pre-stored in memory with the requisite code required to run stub functions. This is commensurate with the stated goal of Kessler, which is to reduce the amount of memory necessary for client-side applications to run objects. (Kessler: Abstract). Teaching the pre-storing of code in memory is further evidenced by the following portion of Kessler, which teaches that a client-side application will execute a stub function invoked by a client by:

"accessing from a first area of computer memory a first portion of code required to execute the stub operation...and accessing from a second portion of computer memory a second portion of code which code is unique to the particular stub operation invoked."

(Kessler: col. 3, lines 1-9).

Thus, Kessler fails to at least disclose the recitation of claim 11 of "allocating space within the second process", as the stub function is already determined and previously stored in the memory. Further, because the sections cited by the Examiner of Kessler fails to disclose

“allocating space”, it must follow that Kessler also fails to at least disclose the claim 11 recitation of “writing a stub function into the allocated spaced”.

“*wherein the first process controls the second process by executing the stub function*”

Kessler also fails to teach the *control* of the second process through the execution of the function by the first process, as recited in claim 11, as amended, in the following manner:

“identifying to the stub function the function in the second process to execute by passing information to the stub function, wherein the first process controls the second process by executing the stub function.”

As best understood, Kessler is directed to the invocation of objects remotely, e.g. by a client-side computer to a server-side computer. (for example, Kessler: col. 8, lines 33-34).

Further, Kessler discloses a method in which the client-side function does not control the remote object. (Kessler: col. 14, lines 54-60, “[t]he purpose of the first line of code is to transfer control to the stub interpreter itself.”). Thus, Kessler discloses a method in which a client-side object may invoke a remote object, but fails to disclose “wherein the first process controls the second process by executing the stub function” as recited in claim 11.

Because Kessler fails to disclose all recitations of claim 11, Kessler fails to anticipate claim 11. The Applicant respectfully requests that the Examiner reconsider and withdraw the rejection to claim 11. The subject matter of claim 16 has been incorporated by amendment into claim 11. Thus, claim 16 has been canceled.

Claims 1 and 18

For at least the reasons stated above with respect to claim 11, claims 1 and 18 are also not anticipated by Kessler. Thus, the Applicants respectfully request that the Examiner reconsider and withdraw the rejections to claims 1 and 18. The subject matter of claim 3 has been incorporated by amendment into claim 1. Thus, claim 3 has been canceled.

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Dependent claims 2, 4-10, 12-15, 17, 19-22

By reason of their dependence upon an allowable independent claim, it follows that claims 2, 4-10, 12-15, 17, and 19-22 are also allowable. The Applicant respectfully requests that the Examiner reconsider and withdraw the rejection to claims 2, 4-10, 12-15, 17, and 19-22.

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CONCLUSION

By the remarks provided herein, the Applicant respectfully submits that the Non-Final Office Action mailed November 27, 2007 has been traversed and that the application is in condition for allowance. If the Examiner has any concerns regarding the response provided herein, or wishes to discuss the response further, the Examiner is invited to contact the undersigned attorney.

Respectfully submitted,

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/Robert A. Madayag/
Robert A. Madayag
Registration No. 57,355

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439